[redacted]

Subject Index

PART ONE.

		Page
1.	Petition for writ of certiorari	1
2.	History of the case	2
3.	Contentions before the Circuit Court of Appeals	3
4.	Reasons why writ should be granted	4
5.	The facts and law of the Marron case	5
6.	The facts and law of the Kirvin case	5

PART TWO.

Brief in support of petition		19
1.	Preliminary statement	20
2.	Testimony of W. F. Whittier in relation to seizure of petitioner's private books and memoranda	21
3.	The law	31
4.	The Constitutional rights of the petitioner under the fourth and fifth amendments to the Constitution of the United States were violated by the reception into evidence over objection of his private books of account, papers and other private documents which were in possession of the Government as the result of an illegal search and seizure	31
5.	Kirvin v. U. S., vide 5 Fed. Second Series, p. 282, should be followed as an authority on the facts in the instant case rather than the first decision in Marron v. U. S., 8 Fed. Second Series, p. 251	46
6.	Marron v. U. S., 8 Fed. 2d 251, is in direct conflict with the decision of Gouled v. U. S., 255 U. S. 310; 41 S. C. T. 261, 65 L. Ed., p. 647, and with U. S. v. Katz, 70 L. Ed. 554, U. S. S. C. T. Advance Opinions, June 15, 1926 and should therefore be expressly overruled	50
7.	Error in admitting into evidence the testimony of the witness Neilsen and the giving to the jury of instructions in that connection	59
8.	Conclusion	70

Table of Authorities Cited

Pages

Adams v. New York, 192 U. S. 585, 24 Sup. Ct. 372, 48 L. Ed. 575 41

Amos v. U. S., 255 U. S. 313, 41 Sup. Ct. 265, 65 L. Ed. 654 45

Barber, 281 Fed. 550..... 43

Boyd v. U. S., 116 U. S. 616, 6 Sup. Ct. 524, 29 L. Ed. 746. 40

Crowley v. United States, 8 Fed. 2d 118..... 70

Fitter et al. v. United States, 258 Fed. 567.....41, 45

Gouled v. U. S., 225 U. S. 310, 41 S. Ct. 261, 65 L. Ed. 647 ..... 16, 20, 50

Hagen v. U. S., 4 Fed. 2d 801..... 35

Kirvin v. United States, 5 Fed. 2d 282.....5, 14, 20, 46

Marron v. United States, 8 Fed. 2d 251.....3, 5, 13, 20, 46, 50, 57

Sayers v. U. S., 2 Fed. 2d 146..... 5, 37

Silverthorne Co. v. U. S., 251 U. S. 385, 40 S. Ct. 182, 64 L. Ed. 319..... 49

State v. Slamon, 73 Vt. 212, 50 Atl. 1097, 87 Am. St. Rep 711 45

Terry v. United States, 7 Fed. 2d p. 28..... 66

U. S. v. Friedberg, (D. C.) 233 Fed. 313..... 45

United States v. Hills, 263 Fed. 812..... 45

United States v. Katz, 70 L. Ed. 554; U. S. S. Ct. Advance Opinions, June 15, 1926.....16, 20, 50, 57

United States v. Mills, 185 Fed. 318.....39, 44

U. S. Porazzo Bros., 272 Fed. 276..... 45

Veeder v. U. S., 252 Fed. 414, 164 C. C. A. 338..... 49

Weeks v. U. S., 232 U. S. 383, 34 S. Ct. 341, 58 L. Ed. 652, L. R. A. 1915B, 834, Ann. Cas. 1915C, 1177..... 45